

REMARKS

This application pertains to a novel redetachable device.

Claims 1, 3-13 and 15-18 are pending.

Applicants gratefully acknowledge the Examiner's approval of the corrected drawings, and are preparing corrected formal drawings for submission to the Official Draftsperson.

Applicants also gratefully acknowledge the Examiner's having called their attention to the reference to a non-existent Figure 2A in Example B. This reference has now been cancelled.

The specification stands objected to because the term "average roughness  $R_a$ " and "average depth of roughness  $R_z$ ", are seen by the Examiner as not being defined "with the possible exception of a reference to DIN 4768". The specification is also objected to because of the aforementioned reference to Figure 2a, which has now been cancelled.

The Examiner is correct that the terms "average roughness  $R_a$ " and "average depth of roughness  $R_z$ "; are defined with reference DIN 4768.

Annexed hereto the Examiner will find copies of the following documents:

1. Hommel Tester T500 - Technical specifications, which indicates surface evaluation parameters  $R_a$  and  $R_z$ , measured according to DIN 4768 and ISO 4287 (thereby indicating that DIN 4768 corresponds to ISO 4287);
2. CARSGALS Catalog 457010 – Shaft requirements, which refers to  $R_z$  (DIN 4768), provides an illustration and formula
3. TECHNISCHE DARSTELLUNG, UNIVERSITÄT SIEGEN, which provides

drawings and formulae of both  $R_z$  and  $R_a$  obtained over the internet.

From these documents, the Examiner will see that the expressions "average roughness  $R_a$ " and "average depth of roughness  $R_z$ " are well-known to those skilled in the art, and their precise meaning is known from the international standard DIN 4768.

The definition of said terms is therefore well known, and the objection to the specification should be withdrawn.

Applicants note with appreciation the Examiner's reminder regarding the proper use of trademarks at page 8, fourth paragraph, and have amended said paragraph accordingly.

Claims 1, 3-13 and 15-18 stand rejected under 35 USC 112, second paragraph, for various reasons indicated more specifically in the specification.

With respect to the Examiner's view of "area" in claim 5, line 1, as lacking antecedent support, the Examiner's attention is respectfully drawn to part c) of claim 1, where such antecedent support can be found.

With respect to the Examiner's observation that the last line of claim 5 needs Markush language, the Examiner's attention is respectfully drawn to MPEP 2173.05(h), a copy of which is annexed hereto.

According to said sub-section, Markush language is an available alternative, but language such as that used by Applicants herein is perfectly acceptable.

The remaining issues raised in this rejection are believed to have been overcome by amendment.

The rejection of claims 1, 3-13 and 15-18 under 35 USC 112, second paragraph, should accordingly now be withdrawn.

Turning now to the art rejection, claims 1, 3-13 and 15-18 stand rejected under 35 USC 103(a) as obvious over Lühmann '397 (= EP 0 832 588 A2).

The Examiner refers specifically to column 5, lines 29-34 as teaching how to adjust the frictional coefficients so as to obtain the desired frictional characteristics. The Examiner equates the "frictional" characteristics to "roughness", but the reference does not teach this – this is the Examiner's own conclusion. It should be noted, however, that for the present application, "average roughness" has a specific technical meaning, as defined by DIN 4768.

Moreover, column 5, lines 29 et seq of the '397 reference specifically teaches that the frictional force can be reduced by such steps as forming the edge region of a low energy plastic; such as poly(tetrafluoroethylene), high density polyethylene etc., having surface tensions  $\leq$  about 37 mN/m.

This has nothing to do with introducing a surface roughness, as defined by DIN 4768, and such as would be achieved by etching, grinding, embossing, etc. (Applicants' page 6, line 15). In fact, those skilled in the art would think of low-energy surfaces as being smooth surfaces, such as Teflon<sup>®</sup> coated surfaces.

In addition, Applicants claims are directed to a specific range of average roughness  $R_a$ , i.e., 0.4-25  $\mu\text{m}$ .

Nothing in the '397 reference teaches or suggests anything at all about the desirability of a specific degree of surface roughness  $R_a$ , or indeed, even recognizes the concept of average roughness  $R_a$ .

The '397 reference therefore cannot fairly be seen as teaching or suggesting Applicants' device.

As an alternative, the Examiner turns to US 5,897,949 or US 6,004,665.

The Examiner points specifically to column 1, lines 34-48 of the '949 reference and column 1, lines 36-46 and column 7, lines 10-50 of the '665 reference.

Column 1, lines 34-48 of the '949 reference only decries the difficulty of adhering an adhesive tape to a rough surface. This has nothing to do with creating a specific average roughness Ra in a specific region of a device and the resultant reduction in tear frequency of a redetachable double-sided adhesive tape being detached from such a device by stretching pulling.

In like manner, lines 36-46 of column 1 and lines 10-50 of column 7 of the '665 reference teach only that one cannot achieve an adequate bond strength on rough surfaces.

This teaches or suggest absolutely nothing about Applicants' invention, as discussed above with respect to the '949 reference, except perhaps to teach away from Applicants' invention.

Thus, the '397 reference, whether taken alone or in combination with either or both the '949 or '665 references cannot possibly lead those skilled in the art to the present invention.

The rejection of claims 1, 3-13 and 15-18 under 35 USC 103(a) as obvious over Lühmann et al '397 should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1, 3-13 and 15-18 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

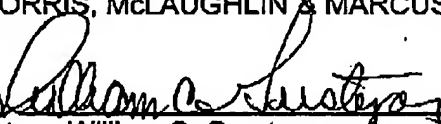
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,


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I hereby certify that this correspondence is being transmitted via facsimile no. 703-872-9306 to the United States Patent and Trademark Office, addressed to: Box Non-Fee Amendment, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 2, 2004.

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